

**Effective 3/18/2016**

**52-4-103 Definitions.**

As used in this chapter:

- (1) "Anchor location" means the physical location from which:
  - (a) an electronic meeting originates; or
  - (b) the participants are connected.
- (2) "Capitol hill complex" means the grounds and buildings within the area bounded by 300 North Street, Columbus Street, 500 North Street, and East Capitol Boulevard in Salt Lake City.
- (3) "Convening" means the calling together of a public body by a person authorized to do so for the express purpose of discussing or acting upon a subject over which that public body has jurisdiction or advisory power.
- (4) "Electronic meeting" means a public meeting convened or conducted by means of a conference using electronic communications.
- (5) "Electronic message" means a communication transmitted electronically, including:
  - (a) electronic mail;
  - (b) instant messaging;
  - (c) electronic chat;
  - (d) text messaging as defined in Section 76-4-401; or
  - (e) any other method that conveys a message or facilitates communication electronically.
- (6)
  - (a) "Meeting" means the convening of a public body or a specified body, with a quorum present, including a workshop or an executive session, whether in person or by means of electronic communications, for the purpose of discussing, receiving comments from the public about, or acting upon a matter over which the public body or specific body has jurisdiction or advisory power.
  - (b) "Meeting" does not mean:
    - (i) a chance gathering or social gathering; or
    - (ii) a convening of the State Tax Commission to consider a confidential tax matter in accordance with Section 59-1-405.
  - (c) "Meeting" does not mean the convening of a public body that has both legislative and executive responsibilities if:
    - (i) no public funds are appropriated for expenditure during the time the public body is convened; and
    - (ii) the public body is convened solely for the discussion or implementation of administrative or operational matters:
      - (A) for which no formal action by the public body is required; or
      - (B) that would not come before the public body for discussion or action.
- (7) "Monitor" means to hear or observe, live, by audio or video equipment, all of the public statements of each member of the public body who is participating in a meeting.
- (8) "Participate" means the ability to communicate with all of the members of a public body, either verbally or electronically, so that each member of the public body can hear or observe the communication.
- (9)
  - (a) "Public body" means any administrative, advisory, executive, or legislative body of the state or its political subdivisions that:
    - (i) is created by the Utah Constitution, statute, rule, ordinance, or resolution;
    - (ii) consists of two or more persons;
    - (iii) expends, disburses, or is supported in whole or in part by tax revenue; and

- (iv) is vested with the authority to make decisions regarding the public's business.
- (b) "Public body" includes, as defined in Section 11-13-103, an interlocal entity or joint or cooperative undertaking.
- (c) "Public body" does not include a:
  - (i) political party, political group, or political caucus;
  - (ii) conference committee, rules committee, or sifting committee of the Legislature; or
  - (iii) school community council or charter trust land council as defined in Section 53A-1a-108.1.
- (10) "Public statement" means a statement made in the ordinary course of business of the public body with the intent that all other members of the public body receive it.
- (11)
  - (a) "Quorum" means a simple majority of the membership of a public body, unless otherwise defined by applicable law.
  - (b) "Quorum" does not include a meeting of two elected officials by themselves when no action, either formal or informal, is taken on a subject over which these elected officials have advisory power.
- (12) "Recording" means an audio, or an audio and video, record of the proceedings of a meeting that can be used to review the proceedings of the meeting.
- (13) "Specified body":
  - (a) means an administrative, advisory, executive, or legislative body that:
    - (i) is not a public body;
    - (ii) consists of three or more members; and
    - (iii) includes at least one member who is:
      - (A) a legislator; and
      - (B) officially appointed to the body by the president of the Senate, speaker of the House of Representatives, or governor; and
  - (b) does not include a body listed in Subsection (9)(c)(ii).
- (14) "Transmit" means to send, convey, or communicate an electronic message by electronic means.

Amended by Chapter 77, 2016 General Session